

REMARKS

Previously presented claims 2, 4 and 13-16 are the only active claims pending in this application.

The Office Action rejects claims 2 and 4 on the stated position the claims are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,699,107 ("Lawler") in view of U.S. Patent No. 5,872,588 ("Aras").

Applicants respectfully traverse the rejection as not supported by the cited references.

Applicants' claim 2 includes a user device connected to an entertainment program server through a network, the server having means for generating a program guide and means for transmitting program guide to the user device for the user to display. The claimed user device has means to store program reservation data and generate program condition data representing the user's reservation data (e.g., the programs the user has reserved, watched and/or recorded). The claimed user device has means for storing a privacy data, which determines whether the program condition data is transmitted to the server, and means for selectively transmitting and inhibiting transmission of the program condition data to the server, with the selection based on the value of the privacy data, i.e., whether it is a first or a second value. Claim 2, at lines 10-12 and 14-18.

Lawler, the primary reference relied on by the Office Action, discloses a system that sends the user reminders of upcoming programs such that, for example, the user will not forget to be in his or her chair before the start of a particular show.

The Examiner's position is that Lawler, at column 4, lines 37-49, discloses "means for receiving a privacy level data." Office Action at p. 3, lines 6-7.

Applicants respectfully respond that the Examiner's position is not consistent with Lawler's disclosure.

Applicants respectfully submit the plain meaning of the claim 2 term: "privacy level data" is data whose level indicates the privacy associated with the user, and that dictates whether "condition data" (which is private data) is transmitted to the server. This is the meaning of "privacy level data" that a person of ordinary skill in

the art would understand. This is the broadest reasonable meaning of the claim language “privacy level data.”

Lawler has nothing within this meaning, not at claim 4, lines 37-49, and not anywhere else.

Lawler has a server that stores information as such as users’ “viewing preferences and history.” Lawler, at column 4, lines 42-46. In other words, Lawler’s server stores private data. Lawler’s server does not store “privacy level data.” Stated differently, a users’ “viewing preferences and history” is not within the broadest reasonable meaning of “privacy level data”; it is antonymous to “privacy level data.”

There is nothing between lines 37 and 49 of Lawler’s column 4 suggesting anything of user privacy, and nothing anywhere in Lawler showing or suggesting a structure or function capable of representing or communicating any such privacy.

Further, there is nothing between lines 37 and 49 of Lawler’s column 4, or anywhere else in Lawler, teaching or showing structure controlling whether “viewing preferences and history” (which is private data) are transmitted to the server. Nothing. This information is transmitted to and stored in Lawler’s server.

Lawler therefore has nothing within the broadest reasonable meaning of “privacy level data.”

The secondary reference, Aras, shows a system that records a user’s channel surfing habits, for purposes of collecting statistics. Aras does not generate a program guide. Aras does not show anything capable of generating a program guide. Aras does not teach or suggest anything of a server sending a user-specific guide. Aras does not store reservations. Aras does not show anything capable of storing a reservation. Further, Aras does not show anything of, or anything capable of generating the claim 2 “condition data.”

Applicants respectfully submit the combined references of Lawler and Aras show nothing as to the various modifications, combinations, rearrangements and changes of purpose of their respective disclosures that are necessary to achieve or make obvious to one of ordinary skill in the art Applicants’ claim 2.

Applicants therefore respectfully request the Examiner reconsider and withdraw the rejection of claim 2.

Claims 4 and 13-16 depend from claim 2 and, therefore are patentable over the prior art of record for at least the reasons presented above.

Conclusion

In view of the foregoing, Applicants respectfully request that the application be reconsidered, that claims 2, 4 and 13-16 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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